

**REAL ESTATE BOARD
MINUTES
OCTOBER 4, 2005**

PRESENT: Richard A. Kollmansberger, Peter Sveum, Maria Watts, Dennis Pierce, and Lisabeth Weirich

EXCUSED: Lloyd Levin

STAFF PRESENT: Roxanne Peterson, Direct Licensing Coordinator; William Black, Legal Counsel; Pat Schenck, Bureau Assistant; and Gene Kleinert, Auditor

GUESTS: Rick Staff, Wisconsin Realtors Association
Jay Reifert, Director of Operations, Real-Reform
Gary R. Goyke, REAL-Reform
Mel Check, Individual Broker-Educator
Susan Mathews, Mardi O'Brien Real Estate
David Stark, Stark Company Realtors
Jason Westphal, State Bar of Wisconsin
Cori Lamont, Wisconsin Realtors Association
Corey Scholtka

CALL TO ORDER

Richard Kollmansberger, Chair, called the meeting to order at 10:08 a.m. A quorum of five members was present.

ADOPTION OF AGENDA

Amendment to Agenda:

- Move Item 6 after Item 3.

MOTION: Dennis Pierce, moved, seconded by Maria Watts, to adopt the agenda with amendment. Motion carried unanimously.

Mr. Kollmansberger introduced Dennis Pierce as the new public member on the Board. Mr. Pierce gave a brief background on his professional experience.

APPROVAL OF MINUTES AUGUST 25, 2005

MOTION: Peter Sveum moved, seconded by Maria Watts, to approve the minutes of August 25, 2005 as written. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

There was no presentation of the proposed stipulation by the Division of Enforcement in the following matter.

- Douglas K. Stanich and re/Max Kenosha 03-REB 278

ADMINISTRATIVE REPORT – ROXANNE PETERSON

Roxanne Peterson reported that the next Board meeting scheduled for October 27, 2005 will be in the newly remodeled section of the Department.

Board Roster

Noted.

Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Legislation

Noted.

REVIEW AND DISCUSSION OF PROPOSED CH. 452 REWRITE (LRB-1387/5dn)

Bill Black led the discussion on the proposed changes to the draft of Ch. 452 rewrite. Mr. Black reviewed the changes to each section, additions to the new language and provided explanations for changes and additions to each section, new sections, and the fundamental changes to the law.

Discussion issues:

- Signature requirement
- Negotiation issues
- Background on the bill
- Subagents, chain of subagents and compensation
- Duty of loyalty and obedience to the seller
- Non-brokerage services
- Procuring cause and timing of disclosure

After discussion and receiving comments from guests, the Board, by consensus, at this point in the draft process finds no problems with the draft as written with proposed minor changes as discussed.

The Board will discuss the new draft at the October 27, 2005 meeting.\

PRACTICE QUESTIONS

None.

CLOSED SESSION

MOTION: Dennis Pierce moved, seconded by Peter Sveum, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (1) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote: Richard A. Kollmansberger-yes; Peter Sveum-yes; Maria Watts-yes; Dennis Pierce-yes; and Lisabeth Weirich-yes.

Open session recessed at 12:35 p.m.

RECONVENE TO OPEN SESSION

MOTION: Peter Sveum moved, seconded by Maria Watts, to reconvene into Open Session at 12:45 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MONITORING REPORT

None.

CASE CLOSINGS

MOTION: Peter Sveumi moved, seconded by Dennis Pierce, to close the following cases: Motion carried unanimously.
03 REB 213 for prosecutorial discretion (P2)
03 REB 251 for insufficient evidence
04 REB 057 for prosecutorial discretion (P1)
04 REB 224 for prosecutorial discretion P2)

STIPULATION

DOUGLAS K. STANICH AND RE/MAX KENOSHA - 03-REB 278

MOTION: Dennis Pierce moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Douglas K. Stanich and re/Max Kenosha 03-REB 278**. Motion carried unanimously.

ADMINISTRATIVE WARNING

TONYA L. WUTTKE - 05 REB 069

MOTION: Peter Sveum moved, seconded by Maria Watts, to accept the Administrative Warning as written in the matter concerning **Tonya L. Wuttke 05 REB 069**. Motion carried unanimously.

SUCH OTHER ITEMS AS AUTHORIZED BY LAW

None.

ADJOURNMENT

MOTION: Peter Sveum moved, seconded by Dennis Sveum, to adjourn the meeting at 12:55 p.m. Motion carried unanimously.